

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

The proposed amendments provide a clearer explanation of the difference between:

- A Medicaid disability review, which may be required periodically depending on the nature of a member’s disabling condition, and
- A Medicaid disability redetermination, which is required when a member reaches the age of 18 to apply adult disability criteria.

In most cases, disability is determined by the Social Security Administration. These policies apply when the Department is responsible for independent disability determinations for applicants and members.

These amendments do not provide for waivers in specified situations because all members should be subject to the same policy regarding disability reviews and redeterminations. The Department has an exception to policy process in rule 441—1.8(17A,217) that may be pursued should a member feel that exceptional circumstances justify a waiver of policy.

Any interested person may make written comments on the proposed amendments on or before July 6, 2010. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 249A.4.

The following amendments are proposed.

ITEM 1. Amend subrule 75.20(4) as follows:

75.20(4) ~~Redeterminations~~ Reviews of disability. In connection with any independent determination of disability, the department will determine whether reexamination of the member’s ~~medical condition~~ disability will be ~~necessary~~ required for periodic ~~redeterminations~~ of eligibility reviews. When ~~reexamination~~ a disability review is required, the member or the member’s authorized representative shall complete and submit the same forms as required in paragraph 75.20(2) “b.”

ITEM 2. Adopt the following **new** subrule 75.20(6):

75.20(6) *Disability redeterminations for members who attain age 18.* If a member is eligible based on an independent determination of disability made under the standards applicable to persons under 18 years of age, the department shall redetermine the member’s disability after the member attains the age of 18 years. The member’s disability shall be redetermined:

- a. Using the standards applicable to persons who are 18 years of age or older, and
- b. Regardless of whether a review of the member’s disability would otherwise be due.